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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 16, 2001

APPLICATION OF

THE NEW POWER COMPANY

CASE NO. PUE010480

For permanent licenses to conduct
business as an electric and natural
gas competitive service provider
and aggregator

ORDER FOR NOTICE AND COMMENT

On October 1, 2001, The New Power Company ("New Power" or "the Company"), completed an application with the State Corporation Commission ("Commission") to convert and expand its pilot licenses, License Nos. PE-13, PG-4, and PA-3A,¹ to permanent licenses to provide competitive electric and natural gas services and to act as an aggregator to residential and commercial customers throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and customer choice. The Company attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40.

On August 11, 2000, New Power filed an application for a license to conduct business as a natural gas competitive service provider and aggregator to residential and commercial customers

¹ These pilot licenses permit the Company to provide competitive electric and natural gas services and to act as an aggregator in the retail access pilot programs of Virginia Electric and Power Company ("Virginia Power"), Columbia Gas of Virginia, Inc. ("CGV"), and Washington Gas Light Company ("WGL").

in the WGL and CGV retail access pilot programs. By Order dated September 28, 2000, in Case No. PUE000435, New Power was issued License Nos. PG-4 and PA-3.

On July 3, 2001, New Power filed an application for licensure to conduct business as an electric competitive service provider and aggregator to residential and commercial customers in Virginia Power's retail access program. On August 16, 2001, the Commission issued an Order in Case No. PUE000435, that, among other things, amended New Power's License No. PA-3 to PA-3A to allow it to provide competitive aggregation services to residential and commercial customers in the retail access pilot programs of Virginia Power, WGL and CGV; and granted the Company License No. PE-13 to provide competitive electric service to residential and commercial customers in the retail access pilot program of Virginia Power.

On June 19, 2001, the Commission entered its Final Order in Case No. PUE010013, adopting its Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules"), 20 VAC 5-312-10, et seq.² Page 6 of this Order provided that each competitive service provider who wished to convert its pilot license to a permanent license to participate in retail access

² Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the matter of establishing rules for retail access, Case No. PUE010013, Document Control Center No. 010630011, Final Order (June 19, 2001).

must submit a request to do so in writing to the Commission on or before August 31, 2001. We directed that: (i) each such request must include an attestation that the information provided and updated in its application for a pilot license is true and correct, (ii) the Company must attest that it will abide by all applicable regulations of the Commission, as required by 20 VAC 5-312-40 B, and (iii) the Company must include any changes to information previously provided to the Commission, as required by 20 VAC 5-312-20 R.

NOW UPON CONSIDERATION of New Power's application to convert and expand its present licenses to permanent licenses, the Commission is of the opinion and finds that New Power's application should be docketed; that this Order should be served upon appropriate persons; and that these persons should have an opportunity to comment on New Power's application.

Accordingly, IT IS ORDERED THAT:

(1) This application shall be docketed and assigned Case No. PUE010480.

(2) A copy of the application and supporting documents shall be made available for public inspection in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, during the Commission's regular hours of operation,

between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday.

(3) On or before October 31, 2001, New Power shall serve a copy of this Order upon each utility listed on Attachment A to this Order.

(4) On or before November 14, 2001, the Company shall file proof of the notice required in Ordering Paragraph (3) with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23218-2118.

(5) Any interested person may request a copy of the application, accompanying materials, and this Order by directing a request in writing to the Company, c/o Martha A. Duggan, The New Power Company, 3102 N. 6th Street, Arlington, Virginia 22201. The Company shall, within three (3) days of receipt of the request, serve the requested documents upon the person making such request.

(6) An original and fifteen (15) copies of any comments on the application shall be filed on or before November 14, 2001, with the Clerk of the Commission at the address identified in Ordering Paragraph (4). A copy of such comments must also be served on or before November 14, 2001, by first-class mail, or hand-delivered, to the Company, attention of Martha A. Duggan at the address identified in Ordering Paragraph (5).

(7) On or before November 21, 2001, the Company and the Staff of the Commission may each file with the Clerk of the Commission an original and fifteen (15) copies of any response they may have to any comments that have been filed and the captioned application, and shall serve a copy of such response on the Company and Staff, as appropriate, as well as upon any person submitting comments.

(8) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via facsimile as well as by first-class mail. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10, et seq.

(9) This matter shall be continued generally.